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21 SEP 2006

In re Application of
Hissink et al.
Application No.: 10/521,126
PCT No.: PCT/NL03/00519
Int. Filing Date: 16 July 2003
Priority Date: 16 July 2002
Attorney Docket No.: 294-207 PCT/US
For: Biodegradable Phase Separated
Segmented Multi-Block Polymers

DECISION

This is with regard to the "Petition... To Withdraw The Holding Of Abandonment" filed on 10 July 2006.

BACKGROUND

This international application was filed on 16 July 2003, designated the United States, and claimed an earliest priority date of 16 July 2002. The International Bureau transmitted a copy of the published international application to the USPTO on 22 January 2004. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 16 January 2005. Applicants timely filed *inter alia* the basic national fee on 12 January 2005.

On 14 July 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to counsel, requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

DISCUSSION

Petitioner requests revival of this international application with respect to the national stage in the United States, on the basis of alleged non-receipt of the Notification of Missing Requirements mailed on 14 July 2005. As explained in MPEP 711.03(c), and following *Delgar v. Schuyler*, 172 USPQ 513 (D.D.C. 1971), an adequate showing of non-receipt of papers mailed to applicant by the Office must include (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket records must also be referenced in petitioner's statement).

Petitioner has satisfied requirements (1) and (2).

Concerning requirement (3), counsel has provided copies of the docket records showing where this application would have been docketed for response had the Notification of Missing Requirements mailed on 14 July 2005 been received (specifically, showing applications docketed for response on 14 September 2005). As this application is not among those shown on the

records as docketed for response on 14 September 2005, requirement (3) has been satisfied. Accordingly, the holding of abandonment is hereby WITHDRAWN.

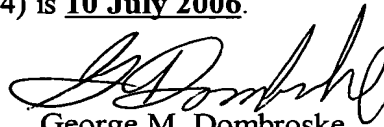
CONCLUSION

The petition is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **10 July 2006**.



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